

REMARKS

This is a full and timely response to the final Office Action mailed by the U.S. Patent and Trademark Office on June 30, 2008. Claims 1-7, 9-15, 17-23 and 25 remain pending in the present application. Claim 17 has been amended to comply with 35 U.S.C. §101. Claims 1 and 25 have been amended to comply with 35 U.S.C. §112, first paragraph.

Claims 1, 9, 17 and 25 have been amended to define further the invention. Support for the amendments to claims 1, 9, 17 and 25 can be found at least in FIG. 1, 2, 6A, 6B, 6C and in paragraph 0028. Applicants respectfully submit that no new matter is introduced. In view of the foregoing amendment and following remarks, reconsideration and allowance of the present application and claims are respectfully requested.

Rejection Under 35 U.S.C. § 101

Claim 17 stands rejected under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. The Office Action states that “In claim 17, there is not an execution made for a program stored in a computer readable medium.”

Applicants have amended claim 17 to recite “A computer readable medium having a stored program, the stored program comprising executable code for remotely correlating and displaying dissimilar communication protocol signaling messages.” Applicants respectfully submit that claim 17 is in compliance with 35 U.S.C. § 101, and respectfully request that the rejection be withdrawn.

Rejection Under 35 U.S.C. § 112

Claims 1 and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to comply with the enablement requirement. The Office Action states that “The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.” The Office Action then states “a correlation and display element” on line 11 is described as “correlation and display software” in the specification, pages 10, 11, paragraphs [0032]. It is known to one skilled in the art that “an element” is a piece of device while “software” is a program instructions.”

Applicants have amended claims 1 and 25 to eliminate the term “a correlation and display

display element.” Applicants respectfully submit that claims 1 and 25 are in compliance with 35 U.S.C. § 112, second paragraph, and respectfully request that the rejection be withdrawn.

Specification

The Office Action states that the specification is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. The Office Action states “The specification on page 8, paragraph[0027] describes a web site ‘user identifier@domain.xxx.’”

MPEP § 608.01(p) states, in part, that “an incorporation by reference by hyperlink or other form of browser executable code is not permitted.”

Applicants respectfully submit that the term “user identifier@domain.xxx” is intended only as an example of the structure of an endpoint name for a communication endpoint, and is not included as an incorporation by reference. Indeed, the example endpoint name is not underlined in Applicant’s original specification, which further indicates that it is intended only to illustrate an example of the structure of an endpoint name.

Accordingly, Applicants respectfully request that the objection be withdrawn.

Double Patenting

Claims 1, 9, 17 and 25 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 11, 15, 16 and 17 of U.S. Patent No. 7,054,325.

Applicants submit herewith a terminal disclaimer over U.S. Patent No. 7,054,325, and respectfully request that the double patenting rejection be withdrawn.

Rejection Under 35 U.S.C. § 102

Claims 1-25 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,839,342 to Parham *et al.* (hereafter *Parham*). A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671

31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). The test is the same for a process. Anticipation requires identity of the claimed process and a process of the prior art. The claimed process, including each step thereof, must have been described or embodied, either expressly or inherently, in a single reference. *See, e.g., Glaverbel S.A. v. Northlake Mkt'g & Supp., Inc.*, 45 F.3d 1550, 33 USPQ2d 1496 (Fed. Cir. 1995). Those elements must either be inherent or disclosed expressly. *See, e.g., Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). Those elements must also be arranged as in the claim. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989); *Carella v. Starlight Archery & Pro Line Co.*, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Accordingly, the single prior art reference must properly disclose, teach or suggest each element of the claimed invention.

Parham discloses a communication network that uses a number of active elements, such as a gateway 18, a switch 16 and a softswitch 26, to transport telephone calls through a TDM network and a BLES (broadband loop emulation service) network. The elements disclosed in *Parham* are active network communication elements and therefore, intrinsically have information relating to the communication messages because this is where the messages are being created.

Specifically, *Parham* states:

[i]n operation, Class 5 softswitch 26 receives signaling information in a network signaling format from signaling network 24. Signaling network 24 is shown using an SS7 network signaling format example but may be configured to use any of a variety of signaling protocols to include international signaling configurations such as the C7 signaling protocol and other signaling protocols such as SIP, SIP-T, BICC, and Sigtran. Class 5 softswitch converts the signaling information received in the network signaling format from signaling network 24 to a media gateway and call session control format. The media gateway and call session

gateway and call session control format may be any of a variety of such formats including those specified above. The media gateway and call session control format is provided to gateway 18 for conversion to the desired broadband loop emulation service signaling protocol and passed on to IAD 20 at customer premises 22 through BLES network 14.

See *Parham*, col. 2, lines 47-63.

From this it is clear that *Parham* requires that the device that performs the conversion from one protocol to another protocol be an active element in the communication network.

Further, while *Parham* does describe the flow of messages between network devices, *Parham* does not teach how the signaling messages of any given call are associated, or present any technique of using information to achieve an association (correlation) of one protocol message to a different protocol's message to characterize a single call.

In marked contrast to *Parham*, the present invention discloses a remote monitoring system and methods of operation that are used to correlate the multiple protocols remotely from the active network devices.

For example, amended claim 1 includes at least “a first communication protocol *associated with a first communication network*,” “a second communication protocol *associated with a second communication network*,” and “*an analysis device remote from and coupled to the first communication network and to the second communication network, the analysis device* configured to *passively* detect correlation data identifying a first call portion associated with the first communication protocol, and configured to *passively* detect correlation data identifying a second call portion associated with the second communication protocol, where the correlation data comprises *information identifying* the first communication protocol and the second communication protocol, and wherein the correlation data is detected in real time *and characterizes a single call*.” Applicants respectfully submit that at least these features are not disclosed, taught or suggested by *Parham*.

Amended claim 9 includes at least “*passively* detecting *in an analysis device remote from and coupled to the first communication network* a first call identifier associated with a first communication protocol,” and “*passively* detecting *in the analysis device* correlation data identifying a first call portion associated with the first communication protocol, and a second call portion associated with a second communication protocol, where the correlation data comprises

data comprises ***information identifying*** the first communication protocol and the second communication protocol, and wherein the correlation data is detected in real time ***and characterizes a single call.***” Applicants respectfully submit that at least these features are not disclosed, taught or suggested by *Parham*.

Amended independent claim 17 includes at least “logic for ***passively*** detecting a first call identifier associated with a first communication protocol,” and “logic for ***passively*** detecting ***in an analysis device remote from and coupled to the at least two dissimilar communication networks*** correlation data identifying a first call portion associated with the first communication protocol, and a second call portion associated with the second communication protocol, where the correlation data comprises ***information identifying*** the first communication protocol and the second communication protocol, and wherein the correlation data is detected in real time ***and characterizes a single call.***” Applicants respectfully submit that at least these features are not disclosed, taught or suggested by *Parham*.

Amended independent claim 25 includes at least “a first communication protocol ***associated with a first communication network,***” “a second communication protocol ***associated with a second communication network,***” and “***an analysis device remote from and coupled to the first communication network and to the second communication network, the analysis device*** configured to ***passively*** detect correlation data identifying a first call portion associated with the first communication protocol, and configured to ***passively*** detect correlation data identifying a second call portion associated with the second communication protocol, where the correlation data comprises ***information identifying*** the first communication protocol and the second communication protocol, wherein the correlation data is ***passively*** detected in real time ***and characterizes a single call,*** and wherein the first communication protocol is SS7 and the second communication protocol is internet protocol (IP).” Applicants respectfully submit that at least these features are not disclosed, taught or suggested by *Parham*.

Applicants also respectfully disagree with the statement in the Office Action that:

In claims 4, 12 and 20, Parham et al. discloses the correlation data is supplied to an analysis device (gateway 18) that is coupled to the communication network, (communication network 20 in fig. 2) and wherein the correlation data is supplied by a

supplied by a customer provided communication device (from customer premises 22 as shown in fig. 2).

Applicants respectfully submit that the gateway 18 shown in *Parham* is not an analysis device, but is instead active communication network equipment. Applicants' analysis device is a separate monitoring device that is separate from the equipment that creates and transports the communication data. Further, Applicants' separate analysis device correlates dissimilar telecommunications signaling data to characterize a single call.

Accordingly, Applicants respectfully submit that independent claims 1, 9, 17 and 25 are allowable over *Parham*, and furthermore, that dependent claims 2-7, which depend either directly or indirectly from allowable independent claim 1, claims 10-15, which depend either directly or indirectly from allowable independent claim 9, and claims 18-23, which depend either directly or indirectly from allowable independent claim 17, are allowable for at least the reason that they depend from allowable independent claims. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1998).

CONCLUSION

For at least the foregoing reasons, Applicants respectfully request that all outstanding rejections be withdrawn and that all pending claims of this application be allowed to issue. If the Examiner has any comments regarding Applicants' response or intends to dispose of this matter in a manner other than a notice of allowance, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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